

SPRINGHILL ZONING ORDINANCE

SPRINGHILL COMMUNITY BELGRADE, MONTANA

PREPARED BY

GALLATIN COUNTY PLANNING DEPARTMENT

AND

SPRINGHILL COMMUNITY PLANNING ADVISORY COMMITTEE

FOR

SPRINGHILL PLANNING AND ZONING COMMISSION

GALLATIN COUNTY, MONTANA

ADOPTED JULY 20 ,1992

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SECTION 1 TITLE, CREATION AND ADOPTION

- 1.1 This ordinance shall be known as the "Springhill Zoning Ordinance", and is adopted for the Springhill Planning and Zoning District. The district was created by resolution of the Board of County Commissioners, Gallatin County, Montana, April 9, 1990.
- 1.2 Pursuant to Section 76-2-101 M.C.A., there is created a Planning and Zoning Commission for the Springhill Planning and Zoning District which consists of the three (3) County Commissioners, the County Surveyor, and the County Assessor.
 - 1.2.1 The Springhill Planning and Zoning Commission shall have all the powers delegated to it by the laws of the State of Montana and by this Ordinance.
- 1.3 Pursuant to Section 76-2-104 M.C.A., there is adopted a development pattern. The development pattern shall consist of the Springhill Community Plan and the Springhill Zoning Ordinance.

SECTION 2 INTENT

- 2.1 The intent of these zoning regulations is to regulate and promote the orderly development of the area. These regulations are set up to fully utilize lands used for grazing, horticulture, agriculture, or for the growing of timber. Nothing in these regulations shall be deemed to authorize an ordinance, resolution, rule, or regulation which would prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber.

SECTION 3 PURPOSES AND BOUNDARIES

- 3.1 Purposes: To promote health, safety, and general welfare and to:
- a. Prevent overcrowding;
 - b. Avoid undue population concentration;
 - c. Conserve property values;
 - d. Preserve fish and wildlife habitat;
 - e. Reduce soil erosion;
 - f. Preserve the scenic resources;
 - g. Ensure high water quality standards;
 - h. Protect the planning district from the effects of urban encroachment;
 - i. Encourage innovations in residential housing so that growing demands may be met by more efficient use and conservation of open space;
 - j. Protect open space and the rural atmosphere;
 - k. Preserve and maintain agricultural lands;
 - l. Carry out the general plan for the Springhill Planning and Zoning District.
- 3.2 The Springhill Planning and Zoning District is described in zones as set forth on that certain map entitled "Springhill Zoning Map," dated July 20, 1992. The map and all notations thereon are certified boundaries of zones adopted by this Ordinance.
- 3.3 The Springhill Zoning Map shall be kept on file in the office of the County Clerk and Recorder and shall be referred to as the official map for the Springhill Planning and Zoning District.

SECTION 4 DEFINITIONS

The following definitions are provided for clarification, but do not necessarily imply permissible uses within the Springhill Planning and Zoning District.

- 4.1 Accessory Building or Use: A building or use which: (1) is subordinate in area, extent or purpose to the principal building or principal use served; and, (2) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use.
- 4.2 Agriculture: Art or science of cultivating the ground, including harvesting of crop and rearing and management of livestock; tillage; husbandry; farming; horticulture; forestry; and the science and art of the production of plants and animals for sale. This includes all uses customarily incidental thereto, but does not include any agricultural industry or business such as packing plants, fur farms, animal hospitals, commercial dog kennels, commercial feed lots or similar uses.
- 4.3 Airstrip: A place where aircraft (including helicopters) may land and take off.
- 4.4 Animals: Species domesticated for agricultural uses including livestock, poultry, fish, birds, and llamas.
- 4.5 Bed and Breakfast Inn: An establishment which provides overnight lodging to the public for compensation; caters to the traveling public; is located in the proprietor's residence; and serves meals to registered guests.
- 4.6 Building: Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 4.7 Building, Agricultural: Any structure located on agricultural land that is used in the pursuit of agriculture.
- 4.8 Building Height: The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip, and gambrel roofs.
- 4.9 Building Site: A parcel of land occupied or intended to be occupied by buildings permitted herein and which includes such size, dimension, open space, and parking as are required in the Zoning District in which such site is located.

- 4.10 Business, Retail: The retail sale of any article, substance, or commodity for profit or livelihood.
- 4.11 Campgrounds: Land or premises which are temporarily used or intended to be used, let, or rented for occupancy by campers traveling by automobile, recreational vehicles or otherwise, or for occupancy by tents or similar quarters.
- 4.12 Caretaker's Residence: Dwelling unit for a person who takes care of the house or land of an owner who may be absent.
- 4.13 Club, Private hunting or fishing: A facility for an organization of persons whose special purpose is hunting or fishing. Such facility shall be open only to members and not to the general public.
- 4.14 Commercial Feed Operations: Any premises on which animals are held or maintained for the purpose of feeding for market. An operation shall be considered a commercial feed operation where there are 300 head or more cattle, 300 head or more hogs, 1,000 head or more sheep, 1,000 or more poultry or rabbits, and 300 or more of any other animal. Livestock which have access to natural forage on a regular seasonal basis shall not be considered as a commercial feed operation.
- 4.15 Conditional Use: Uses, other than permitted uses, that may be allowed in a specific zoning category, but which require a public hearing by the planning and zoning commission to consider additional safeguards to maintain and assure the health, safety, and general welfare of the community and to maintain the character of the Springhill Zoning District.
- 4.16 Condominium: The ownership of single units with common elements.
- 4.17 Density: The total number of acres required per dwelling unit.
- 4.18 Development Rights: The potential for the improvement of a parcel of real property, measured in dwelling units, existing because of the zoning classification of the parcel.
- 4.19 Dwelling, Single Family: A building designed with complete, permanent, and independent living facilities for one family.
- 4.20 Dwelling, Multiple Family: Any building or portion thereof containing two or more apartments or dwelling units.
- 4.21 Dwelling, Employee: A group of inter-related rooms having living, sleeping, cooking, and complete sanitary facilities provided by an employer for persons who are employed on a ranch, farm or guest ranch.
- 4.22 Dwelling Unit: A group of inter-related rooms having living, sleeping, cooking, and complete sanitary facilities for one family.

- 4.23 Family: Any individual or two or more persons related by blood or marriage, or a group of persons (excluding servants) who are not related by blood or marriage, living together as a single, permanent non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, communal development, fraternity house, etc.
- 4.24 Farm Produce Stand: A structure on the premises for the sale of locally grown produce.
- 4.25 Floor, Ground: That portion of a building or structure located with its floor between the average ground elevation and the ceiling directly above.
- 4.26 General Plan: General plan shall include any document or portion of any document duly adopted by the Zoning Commission which is intended to guide the growth and development of the area.
- 4.27 Guest House: Detached living quarters of a permanent type of construction, clearly subordinate and incidental to the principal residence building. Guest houses shall not be offered for rent or sale as an individual dwelling unit.
- 4.28 Guest Ranch: Facility which provides accommodations to the general public, offers recreational and/or educational programs, and features central dining facilities.
- 4.29 Home Occupation: The use of a portion of a dwelling or accessory structure as an office, studio, or work room for occupations at home. The activity must be clearly incidental to the use of the dwelling for a residence and shall not change the character or appearance thereof. In addition, the activity shall not result in any smells, noise, or create additional traffic greater than that caused by normal residential use.
- 4.30 Junk Yard: The use of more than two hundred (200) square feet of the area of any parcel, lot, or contiguous lots, for the storage of junk and/or autos, including scrap metals, or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.
- 4.31 Lodges or Resorts: Any building or portion thereof, including any lodging house, rooming house, or dormitory containing six (6) or more guest rooms and occupied or intended or designed for six (6) or more guests, whether rent is paid in money, goods, labor or otherwise. Additional services include restaurants, meeting rooms, and recreational facilities which may be provided to guests and the public.
- 4.32 Manufactured Housing: Residential dwellings constructed off-site and transported to the district and placed on a parcel of land.
- 4.33 Mobile Home: A portable unit built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.

- 4.34 Motor Home: A Travel Trailer.
- 4.35 Open Space: Land subject to valid restriction against housing development, the maintenance of which in its natural or agricultural state is necessary for the enhancement of living conditions in the Springhill Planning and Zoning District.
- 4.36 Parcel: An area of land shown as an individual unit of ownership on the most recent Certificate of Survey, Deed, Subdivision Plat, or other document.
- 4.37 Parking space, off-street: A space located off any public right-of-way which is at least 9x20 feet in size for parking of any vehicle and with access to a public street or road.
- 4.38 Principal Use: A primary purpose for which a land area, building or structure is used.
- 4.39 Sign: Any face of any lettered or pictorial device and/or structure designed to inform or attract attention.
- 4.40 Special Events Facility: Facility used on an intermittent basis for activities such as weddings, receptions, picnics, barbecues, dances, private parties, reunions, and banquets.
- 4.41 Structural Alteration: Any change in the shape or size of any portion of a building or of the supporting members of the building or structures such as walls, columns, beams, arches, girders, floor joist, or roof joist.
- 4.42 Structure: Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
- 4.43 Structure, Agricultural: Any structure for which the primary purpose or use is agriculture.
- 4.44 Structure, Principal: Primary building or structure upon a parcel which houses the principal use of the premises.
- 4.45 Structure, Residential: Any structure for which the principal use is for residential housing or related uses.
- 4.46 Transfer of Development Rights: The conveyance of development rights by deed, easement, or other legal instrument, authorized by the Springhill Zoning Ordinance, to another parcel of land and the recording of that conveyance at the Office of Clerk and Recorder.
- 4.47 Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is not more than nine (9) feet in body width during transportation.

- 4.48 Transmission Line: Any electrical lines energized at more than 60,000 volts.
- 4.49 Use: The purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
- 4.50 Variance: A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from an inconvenience.
- 4.51 Zoning Enforcement Agent: The duly authorized agent appointed by the Planning and Zoning Commission for the purpose of administering and enforcing this ordinance.

SECTION 5 ESTABLISHMENT OF DISTRICTS AND ZONING MAP

5.1 Districts.

The jurisdiction of the Springhill Planning and Zoning District is hereby divided into districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

For the purpose of this Ordinance, the Springhill Planning and Zoning District is divided and classified into the following districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>
Agriculture and Rural Residential	AR
Public Lands PL	
Community Facilities & Institutions	CFI

5.2 Certificate.

The Official Map shall be kept in the County Clerk and Recorder's Office and shall bear a certificate with the signature of the Chairperson of the Springhill Planning and Zoning Commission attested by the County Clerk and Recorder and the date of the adoption of this Ordinance. The Certificate shall read as follows:

This is to certify that this is the
Official Zoning Map referred to in
Section 5 of the Springhill Zoning Ordinance.

CHAIRPERSON, SPRINGHILL PLANNING AND ZONING
COMMISSION

Attested _____
Date of Adoption _____

If any changes to the map are made by amendment of this Ordinance in accordance with Section 21 hereof, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the map or upon the material attached thereto.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map kept in the office of the County Clerk and Recorder shall be the final authority as to

the current zoning status of land and water areas, buildings, and other structures in the zoning district.

5.3 Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes or additions thereto, the Springhill Planning and Zoning Commission may adopt and certify a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original zoning map or any subsequent amendment thereof. The new official zoning map shall contain a certificate that reads:

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted July 20, 1992, as part of the zoning ordinance for the Springhill Planning and Zoning District, Gallatin County, Montana.

CHAIRPERSON, SPRINGHILL PLANNING AND ZONING COMMISSION

Attested: _____
Date: _____

5.4 Interpretation of Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown; where:

- a. Boundaries indicated as approximately following the center line of streets, highways, or alleys, shall be construed to follow such center lines;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as following the center line of streams, rivers, canals, or ditches shall be construed to follow such center lines;
- d. Boundaries indicated as parallel to or extensions of features indicated on the Official Zoning Map shall be determined by the scale of the map;

- e. Boundaries indicated as following section lines or quarter section lines or quarter-quarter section lines shall be construed as following such lines;
- f. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or where other circumstances or controversy arise over district boundaries, the Springhill Planning and Zoning Commission shall interpret the district boundary.

5.5 Interpretation of Similar Uses.

If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Springhill Planning and Zoning Commission shall determine the appropriate classification for that use.

In interpreting use classification, the Springhill Planning and Zoning Commission shall determine:

- a. That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located.
- b. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located.
- c. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located.
- d. That neither the intent of the ordinance nor the intent of the district will be abrogated by such classification.

SECTION 6

APPLICATION OF DISTRICT REGULATIONS

Except as herein provided in Sections 12, 13, 14 15, and 16, with respect to supplementary regulations, conditional uses, non-conforming rights, and variances, the regulations set by this ordinance shall be minimum regulations, and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

- 6.1 No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.
- 6.2 No building or other structure shall hereafter be erected or altered: a) to exceed the height or bulk: b) to accommodate or house a greater number of families; c) to have narrower or smaller rear yards, front yards, side yards, or other open spaces as established by this Ordinance.
- 6.3 No parcel existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Parcels created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.